

REMARKS

Claims 1, 3-16, 18-31 and 33-45 are pending in the present application.
Reconsideration is respectfully requested.

I. 35 U.S.C. § 103, Alleged Obviousness, Claims 1, 3-16, 18-31 and 33-45

The Office Action rejects claims 1, 3-16, 18-31 and 33-45 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bremer (U.S. Patent No. 6,018,671) in view of Butler et al. (U.S. Patent No. 5,754,627). This rejection is respectfully traversed.

As to claims 1, 16 and 31, the Office Action states:

Regarding claims 1, 16 and 31 Bremer discloses a method for answering a wireless telephone, the method comprising: receiving an incoming call (see fig. 1 (102), col. 1, lines 55-58); responsive to a determination that automatic call answering has been selected by a user (see col. 4 lines 16 – 21), answering the incoming call by providing the calling party with an indication that the user will take the call momentarily and placing the wireless telephone in mute mode until the user has taken the incoming call (see col. 4 lines 43 – 51), except for speech phrase generator. However, Butler discloses a method and apparatus for managing call comprising a speech phrase generator (see abstract, col.2, lines 31-44). Thus, it would have been obvious to one of the ordinary skills in the art at time of invention to use Butler's speech phrase generator to Bremer's invention in order to improve the use of telecommunication devices.

Final Office Action dated June 10, 2004, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 16 and 31 with regard to similarly recited subject matter, reads as follows:

1. A method for answering a wireless telephone, the method comprising:
 - receiving an incoming call;
 - responsive to a determination that automatic call answering has been selected by a user, answering the incoming call by providing the calling party with an indication that the user will take the call momentarily and placing the wireless telephone in mute mode until the user has taken the incoming call, wherein the indication that the user will take the call momentarily provides an indication to the calling party that the user will be using a speech phrase generator to conduct a conversation.

In the February 24, 2004 response, Applicants argued that Bremer does not teach where the indication that the user will take the call momentarily provides an indication to the calling party that the user will be using a speech phrase generator to conduct a conversation. The Final Office Action states that Bremer does not teach a speech phrase generator. However, the Final Office Action alleges that Butler discloses a method and apparatus for managing call comprising a speech phrase generator. Applicants are not merely claiming the use of a speech phrase generator. The presently claimed invention states that the indication that the user will take the call momentarily provides an indication to the calling party that the user will be using a speech phrase generator to conduct a conversation. The Final Office Action alleges that Butler teaches this feature in the Abstract and in column 2, lines 31-44, which read as follows:

A user initiated soft call park with recorded voice comfort notification system for use within a telephony server for wired or wireless telephones. In response to receiving an incoming call, a user depresses a function key on his or her telephone set. The telephony server responds to depression of the user's function key by placing the incoming call on soft hold and generating a recorded message for indicating to the calling party that the call will be answered shortly.

(Abstract)

According to one scenario, a user may be participating in a meeting. When an incoming call is received, the user's wireless handset rings or vibrates in a well known manner. A calling line ID may be displayed on the user's handset which may indicate to the user that the incoming call is important. The user can then press a special button (e.g. function key) on the handset for directing the call to the special soft "call park" queue. A speech generator then informs the caller (in the voice of the user) that the user will be with them in just a moment. Meanwhile, the user informs the meeting group that he or she needs to take the call and leaves the room. Once outside of the meeting room, the user can go off-hook on the handset (e.g. press "SEND") in order to retrieve the important call.

(Column 2, lines 31-44)

Butler is directed to a notification system that allows a called party to initiate a soft call park and inform the calling party, through a prerecorded voice comfort notification system, that the call will be answered shortly. In the sections cited by the Final Office Action, Butler is describing this system, where the called party, in response

to an incoming call, presses a special button on the handset to direct the call to the special soft "call park" queue. In response to the call being directed to the soft call park, a speech generator, which is part of a telephony server, uses a prerecorded message to inform the calling party, using the called party's prerecorded voice, that the user will be with them in just a moment.

Thus, the speech generator of Butler is used to inform the calling party that the called party will be with them shortly. While the indication sent by the system of Butler may indicate that the user will take the call momentarily it does not provides an indication to the calling party that the user will be using a speech phrase generator to conduct a conversation. The use of the speech generator by Butler is stated in column 3, line 64 to column 4, line 15, which reads as follows:

In order to record a message to be given to incoming callers, the user depresses a button (e.g. function key or "soft" programmable key, etc.) on his or her associated telephone 3 or mobile handset 15, which causes the phone agent 19 (or mobility agent 21, as the case may be) to generate a "Record Call Park Message". As shown in FIG. 4, the "Record Call Park Message" is transmitted to call park agent 23 which in response generates a "Record" message for reception by speech generation agent 25. Speech generation agent 25 accesses internal memory storage 29 in which the recorded messages are stored. The user speaks his or her message, and then hangs up. This causes the speech generation agent 25 to file the message, give it an ID, and pass the ID back to the call park agent 23. Call park agent 23 then stores the message ID against the user's ID. Thus, when a particular user wants to initiate the call park feature, call park agent 23 utilizes the user ID to access the particular message ID for identifying the message in memory storage 29.

In this section, Butler clearly describes that the calling party records messages in a speech generator which resides in a telephony server. The prerecorded messages are stored by the speech generator and played to a calling party in response to the calling party depressing a button on the calling party's associated handset in order to indicate the call will be answered shortly. There is no indication sent to the calling party that the user will be using a speech phrase generator to conduct a conversation. Moreover, there is no mechanism in the Butler reference that would allow a conversation to take place between the parties where the calling party would be enabled to use the speech generator to conduct the conversation.

Moreover, neither reference teaches or suggests the desirability of incorporating the subject matter of the other reference. That is, there is no motivation offered in either reference for the alleged combination. The Office Action alleges that the motivation for the combination is "in order to improve the use of the communication devices." However, neither reference provides an indication to the calling party that the user will be using a speech phrase generator to conduct a conversation. Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Applicants' claimed invention thereby constituting impermissible hindsight reconstruction using Applicants' own disclosure as a guide.

One of ordinary skill in the art, being presented only with Bremer and Butler, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to combine and modify Bremer and Butler to arrive at Applicants' claimed invention. To the contrary, even if one were somehow motivated to combine Bremer and Butler, and it were somehow possible to combine the two systems, the result would not be the invention, as recited in claims 1, 16 and 31.

Even assuming, arguendo, that one would be motivated to combine Bremer and Butler, the combination would not result in the presently claimed invention. Instead, the combination would result in a device that includes a silent alert allowing the device to signal the user of an incoming call without an audible alert, as in Bremer, and a system that uses prerecorded messages to respond to the called party the calling party will take the call shortly. However, Bremer and Butler, taken individually or in combination, do not teach providing an indication to the calling party that the user will be using a speech phrase generator to conduct a conversation.

Thus, Bremer and Butler, taken alone or in combination, fail to teach or suggest all of the features in independent claims 1, 16 and 31. At least by virtue of their dependency on claims 1, 16 and 31, the specific features of dependent claims 3-15, 18-30 and 33-45 are not taught or suggested by Bremer and Butler, taken alone or in combination. Accordingly, Applicants respectively request withdrawal of the rejection of claims 1-3-16, 18-31 and 33-45 under 35 U.S.C. § 103(a).

Moreover, in addition to their dependency from independent claims 1, 16 and 31, respectively, Bremer and Butler, taken alone or in combination, do not teach or suggest

the specific features recited in dependent claims 3-15, 18-30 and 33-45. For example, with regard to claims 10, 25 and 40, the Final Office Action alleges that Bremer teaches this feature at column 2, lines 29-36, which reads as follows:

A memory 126 storing messages and an answering circuit 128 are also connected to the controller 110. The answering circuit is any suitable commercially available circuit implementing answering machine functions such as playing a recorded message and recording a caller's response to the recorded message.

In this section Bremer is describing an answering machine that will record messages from a calling party. There is nothing in this section, or any other section of Bremer, that teaches or suggests providing the calling party with an indication that the user will take the call momentarily includes sending a voice message, which is generated by a voice generation unit, to the calling party. Though Bremer may teach responding to the calling party with a default message telling the caller that they are on hold and the call will be answered shortly, a recorded message that the called party can not answer soon, but the caller can leave a message, a message that the called party is unavailable, a message giving the caller the option to forward the call to another number or to forward the call to a network voice mail service, or any other message that the user wants to save in the memory, nowhere in any section of Bremer is it taught that the user may respond using a voice generation unit.

Therefore, in addition to being dependent on independent claims 1, 16 and 31 respectively, the specific feature recited dependent claims 3-15, 18-30 and 33-45 are not taught or suggested Bremer and Butler, either alone or in combination. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent claims 3-15, 18-30 and 33-45 under 35 U.S.C. § 102(b).

II. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 5, 2004

Respectfully submitted,

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